

REMARKS

New claims 100-113 are added. The new claims are supported by exemplary embodiments of the inventions disclosed by the originally-filed application at, for example, Figs. 1-10 and pages 11-24. Moreover, new claims 100-113 read on the elected invention selected in the response to the Office's restriction requirement provided with a mail date January 25, 2010, and therefore, the claims are appropriate for prosecution on the merits.

Claims 86-99 are canceled.

Claim 67 stands objected to and is amended as suggested by the Office. Accordingly, the objection is rendered moot.

Claims 39-42, 44-49, 51, 52, 54-56, 59, 71-74 stand rejected under 35 U.S.C 102(b) as being anticipated by Schuster (US Patent No. 6,417,974).

Moreover, the balance of the claims stand rejected under 35 U.S.C. 103(a) as being obvious over Schuster in various combinations with one or more of the following cited references: Nishikawa (US PGPub 2003/0147155); Brunotte (WO 2002/093257); Moran (US Patent No. 5,516,388); Holderer (US Patent No. 6,392,824); Medlock (US Patent No. 5,446,591); Bruning (US Patent No. 5,488,514); and Schibazaki (US PGPub 2001/0035800).

Independent claim 39 is rejected as being anticipated by Schuster. A proper anticipation rejection requires that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v.*

Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 39 is amended to recite “the reinforcing element is positioned outside the optical path of the optical element.” Support for the amendment language is provided by exemplary embodiments of the invention disclosed by the originally-filed application at, for example, Figs. 1-3.

With regard to Schuster, the Office relies on optical element 2 of Schuster (Fig. 6 of Schuster) to teach the positively recited “reinforcing element” of claim 39 (page 3 of paper no. 20100510). However, since optical element 2 of Schuster is just that, an optical element, the optical element 2 of Schuster **is logically positioned inside the optical path of the optical element 1** for objective 10 (optical element 1 of Schuster is relied upon by the Office to teach the positively recited “optical element” of claim 39; see page 3 of paper no. 20100510). Additionally, Fig. 6 of Schuster clearly shows that optical element 2 is **inside the optical path of objective 10**. Accordingly, it is inconceivable that optical element 2 of Schuster could possibly teach “the reinforcing element is positioned outside the optical path of the optical element” as positively recited by independent claim 39. Since Schuster fails to teach “each and every element as set forth in the claim [39],” pursuant to the above authority, independent claim 39 is allowable.

Moreover, no reasonably-stated rationale can be presented to modify the Schuster device with teachings of other cited references to have the

optical element 2 “**positioned outside the optical path of the optical element [1]**” as positively recited by claim 39 because the function and purpose of optical element 2 as an optical element would be defeated. Accordingly, a proper obviousness rejection against independent claim 39 based on the art of record cannot reasonably be presented. Independent claim 39 is allowable over the art of record.

Claims 40-72 and 100-103 depend from allowable independent claim 39, and therefore, the dependent claims are at least allowable for depending from an allowable independent claim. In addition, the dependent claims are allowable for reasons that are distinct to the allowability of independent claim 39.

For example, dependent claim 100 recites “the reinforcing element comprises an aperture.” The Office relies on optical element 2 of Schuster (Fig. 6 of Schuster) to teach the positively recited “reinforcing element” of claim 100 (page 3 of paper no. 20100510). However, the optical element 2 of Schuster fails to teach or suggest “an aperture.” Without teachings in the art of record to all the limitations of claim 100, a *prima facie* rejection against dependent claim 100 cannot reasonably be presented. Consequently, distinct from the allowability of independent claim 39, dependent claim 100 is allowable on its own merits.

Moreover, dependent claim 101 recites “the reinforcing element comprises a structure configured as a ring.” The Office relies on optical element 2 of Schuster (Fig. 6 of Schuster) to teach the positively recited

“reinforcing element” of claim 101 (page 3 of paper no. 20100510). However, the optical element 2 of Schuster fails to teach or suggest “a structure configured as a ring.” Without teachings in the art of record to all the limitations of claim 101, a *prima facie* rejection against dependent claim 101 cannot reasonably be presented. Consequently, distinct from the allowability of independent claim 39, dependent claim 101 is allowable on its own merits.


Furthermore, dependent claim 102 recites “a connecting device between the reinforcing element and the optical element[] **and** a seal or gasket between the reinforcing element and the optical element.” The Office relies on thin layer 3 between optical elements 1 and 2 of Schuster to teach the positively recited “seal or gasket” of claim 102 (page 4 of paper no. 20100510 addressing claim 40). However, other than the thin layer 3 between optical elements 1 and 2 of Schuster, there is no teaching to another element or structure between optical elements 1 and 2. Accordingly, it is inconceivable that Schuster teaches “a connecting device ...**and** a seal or gasket between the reinforcing element and the optical element” as positively recited by claim 102. That is, dependent claim 102 recites to two distinct and separate elements and Schuster teaches only one. Without teachings in the art of record to all the limitations of claim 102, a *prima facie* rejection against dependent claim 102 cannot reasonably be presented. Consequently, distinct from the allowability of independent claim 39, dependent claim 102 is allowable on its own merits.

Still further, dependent claim 103 recites “a seal or gasket arranged **between** the mount and the **reinforcing element**.” The Office states Schuster fails to teach this limitation and relies on Medlock to allegedly teach the limitation (page 11 of paper no. 20100510 addressing claim 60). Medlock teaches o-rings 24 and 26 between mounting rings 11 and 13 which support lens elements 21 and 23 (Fig. 3 and column 2, lines 30-55). However, Medlock fails to teach a “reinforcing element” as positively recited by claim 103. Accordingly, the combination of Schuster and Medlock fails to teach or suggest “a seal or gasket arranged **between** the mount and the **reinforcing element**” as positively recited by claim 103. Without teachings in the art of record to all the limitations of claim 103, a *prima facie* obviousness rejection against dependent claim 103 cannot reasonably be presented. Consequently, distinct from the allowability of independent claim 39, dependent claim 103 is allowable on its own merits.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner’s next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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